

changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and repealing all laws in conflict herewith, and declaring an emergency."

And find it correctly enrolled, and have this day, at 12 o'clock m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

#### PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

West, Texas, February 25, 1909.

Senator H. B. Terrell, Austin, Texas.

Dear Sir: We, the undersigned citizens and taxpayers of West, Texas, and vicinity, hereby earnestly request our Representatives and Senator to work for the amendment or change of the anti-pass law so as to allow the railroads of Texas to issue free passes to the immigration agents in Texas, for we believe they are a great factor in the upbuilding and development of our great State.

Numerously signed.

By Senator Stokes:

Hon. C. C. Stokes, Austin, Texas.

Dear Sir: We, the undersigned citizens of your district, would most respectfully petition you to use your influence and vote against the anti-racing bill, commonly known as the Robertson bill, now before your honorable body. We are not opposed, but heartily in accord with the measure proposed allowing fifteen days' meeting in each county fair, allowing Pari-Mutuel or auction pools, or both, on the track on the days of the regular meetings. We believe to prohibit all betting on races will greatly injure or entirely kill every fair association in the State of Texas, and be of incalculable injury to the horse breeding industry of the State.

Numerously signed.

By Senator Bryan:

We, the undersigned customers of W. E. Berry (who sells the J. R. Watkins Med. Co. line of goods in Nolan county, Texas) earnestly request that you vigorously oppose the druggists' bill as unfair and un-American; that we are fully satisfied with the Watkins plan of selling direct to us at the regular price of goods of like nature bought elsewhere. That he is an honorable man and contributes as much to the upbuilding of our country and pays as

much tax as any of the druggists who are opposing him in trying to have this unfair tax passed. That you repeal the present tax and make it one hundred (\$100) dollars per annum instead of one hundred and fifty (\$150) dollars; it will be more fair and equitable.

Numerously signed.

The Chair had the following read to the Senate:

Plainview, Texas, February 22, 1909.

To the State Senate, Austin, Texas:

We, the undersigned citizens of Hale county, do hereby petition your honorable body to vote for the breeders' bill and against the Robertson bill when same comes up for hearing before your body.

Numerously signed.

By Senator Cofer:

Throckmorton, Texas, Feb. 24, 1909.

We, the undersigned citizens of this, the Twenty-ninth Senatorial and the One Hundred and Fourth Representative District of the State of Texas, do hereby petition this, the Thirty-first Legislature, to pass such laws as will prohibit race track gambling and the Sunday opening of fairs in this State.

Numerously signed.

By Senator Bryan:

We, the undersigned citizens and taxpayers of Snyder and vicinity, hereby earnestly request and petition our Representative and Senator to work for the amendment or change of the anti-pass law so as to allow the railroads of Texas to issue free passes to the immigration agents in Texas, for we believe they are a great factor in the upbuilding and development of our great State.

Numerously signed.

#### THIRTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,

Monday, March 1, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Harper.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Kellie.
Greer.	Masterson.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Terrell of McLennan.
Paulus.	Thomas.
Peeler.	Veale.
Perkins.	Ward.
Real.	Watson.
Senter.	Weinert.
Stokes.	Willacy.

Absent.

Hume.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

#### EXCUSED.

Senators Willacy, Perkins and Hayter were excused for non-attendance on last Friday on account of official business for the State, on motion of Senator Masterson.

Senator Hume for today on account of sickness, on motion of Senator Hudspeth.

#### SIMPLE RESOLUTION.

By Senator Harper:

Whereas, D. F. Hughes, Assistant Sergeant-at-Arms, is sick and has tendered to the Senate the services of Richard Steen to perform the duties of the office during his illness; therefore, be it

Resolved, That the said Richard Steen be granted the privilege of the floor of the Senate during the illness of the Assistant Sergeant-at-arms, and be permitted to perform the duties of said office without pay.

The resolution was read and adopted.

#### SIMPLE RESOLUTION.

By Senator Perkins:

Whereas, The members of the Senate of Texas, together with those of the House, have had two days' splendid entertainment, being thus honored by the good people of Dallas, the great city of North Texas, who did not spare anything to make our visit one of pleasure and happiness; and

Whereas, as members of said body, we desire to testify with grateful hearts for the unexcelled hospitality and many kindnesses shown us and to express to each and every citizen of Dallas our deep appreciation of the many courtesies thus shown us; therefore, be it

Resolved by the Senate of Texas, That we hereby extend to the Hon. S. J. Hay, mayor of Dallas; Chamber of Commerce, L. O. Daniel, president of the committee of the Chamber of Commerce; H. H. Adams, chairman of the entertainment committee, and through him to the splendid and enterprising citizenship of the great and growing city of Dallas, our most appreciative thanks for their generous kindness and hospitable entertainment while in their city, and that deep in our hearts we will ever cherish with grateful remembrance the two days spent in the great North Texas metropolis; and we further desire to congratulate the city of Dallas upon her many evidences of prosperity and progress, no city in the Southwest having done more in the past few years, and when we were called upon to return to our homes, the great granite Capitol of Texas, we did so with reluctance and hope some day to be able to return.

Resolved further, That with one accord we express our high appreciation of the unstinted and painstaking efforts of the able Senator from Dallas, the Hon. E. G. Senter, in providing for our every pleasure and comfort.

Perkins, Cofer, Lieutenant Governor Davidson, Ward, Stokes, Murray, Hayter, Peeler, Brachfield, Holsey, Terrell of McLennan, Real, Watson, Veale, Harper, Sturgeon, Paulus, Kellie, Hudspeth, Mayfield, Alexander, Adams, Terrell of Bowie, Weinert, Bryan, Masterson, Greer, Meachum.

Senator Meachum offered the following amendment to the resolution, which was read and adopted:

Resolved further, That a copy of these resolutions be transmitted to the mayor of the city of Dallas, to Mr. H. H. Adams, chairman of the entertainment committee, and to the president of the Chamber of Commerce of the city, and that a copy be spread on the Journal of this body and the press of the State be furnished additional copies for publication.

The resolution was then adopted as amended.

#### BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 289, A bill to be entitled "An Act to provide a system of electric power, electric lights and waterworks for the purpose of supplying electric power, electric light and water to the State Capitol, the General Land Office,

Governor's Mansion, State University and the various public institutions of the State of Texas, in the city of Austin, and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin and public roads adjacent thereto, and to secure from the owners, by purchase, or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant; to make an appropriation therefor, and to declare an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator Cofer:

Senate bill No. 290, A bill to be entitled "An Act declaring corporations, receivers or other persons operating railroads in this State to be liable to employees for injuries received through the negligence of such employe, officer, agent or servant, or in case of death from such injury, to be liable to the surviving widow and children and mother and father of the deceased; and if none, then the next of kin dependent upon such employe; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases, and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States or in any way interfere with any proceeding now pending in any court, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

#### BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see second House message of Friday for caption of):

House bill No. 490, referred to Judiciary Committee No. 1.

Morning call concluded.

#### SENATE BILL NO. 167.

The Chair laid before the Senate, as unfinished business,

Senate bill No. 167, A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1895 and to fix the time of filing an answer in all cases where the defendant is cited by publication."

There being a pending amendment to the bill by Senator Cofer.

Senator Stokes offered the following substitute for the amendment:

Amend the bill by adding at the end of Section 1 the following:

"Provided, that the provisions of this act shall apply to no cause except those in which eight weeks' publication is required."

BRACHFIELD,  
STOKES.

Senator Cofer withdrew the amendment.

The substitute then became the amendment, and was read and adopted. (President Pro Tem. Terrell in the chair.)

Bill read second time, and ordered engrossed.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of
Kellie.	McLennan.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Nays—1.

Cofer.

Absent.

Thomas.  
Veale.

Willacy.

Absent—Excused.

Hume.

The bill was read third time, and Senator Cofer offered the following amendment:

Amend the bill by adding at the end of Section 1:

"If any defendant cited by publication should appear at any time before appearance day of the second term of court after publication is complete, he may have the default judgment set aside on motion and the case set down for trial."

The amendment was read, and lost, by the following vote:

Yeas—9.

Cofer.	Paulus.
Hayter.	Veale.
Holsey.	Ward.
Masterson.	Weinert.
Murray.	

Nays—18.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of
Mayfield.	McLennan.
Meachum.	Watson.
Peeler.	

Absent.

Kellie.	Willacy.
Thomas.	

Absent—Excused.

Hume.

The bill was then passed by the following vote:

Yeas—22.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Mayfield.	Veale.
Meachum.	Watson.
Paulus.	

Nays—5.

Cofer.	Murray.
Holsey.	Weinert.
Masterson.	

Absent.

Kellie.	Willacy.
Thomas.	

Absent—Excused.

Hume.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 183.

On motion of Senator Harper, the special order of business (Senate bills Nos. 123, 218 and 176) was suspended, and the Senate took up, out of its order, Senate bill No. 183, by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Cofer.	Thomas.
Kellie.	Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 183, A bill to be entitled "An Act prohibiting nepotism, except with regard to the appointment or confirmation of appointment of notaries public or of one who for five years next preceding the date of such appointment shall have held the position, clerkship or employment or performed the duty to which he may be appointed; making it unlawful for any officer of this State, or for any officer of any district, county, city, precinct, school district or other municipal subdivision of this State, or for any officer or member of any State, district, county, city, school district or other municipal board or judge of any court, created by or under authority of any general or special law of this State; to appoint or to vote for or to confirm the appointment to any office, position, clerkship, employment or duty of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of any such board or

court of which such person so appointing or voting may be a member, when the salary, fees, wages, pay or compensation of such appointee is to be paid directly or indirectly out of or from public funds or fees of office; or to appoint or vote for the appointment or for confirmation of the appointment to any such office, position, clerkship, employment or duty of any person whose services are to be rendered under his direction or control, and to be paid for out of any such public funds or fees of office, and who is related by affinity within the second degree or by consanguinity within the third degree, to any other officer or person included within any of the provisions of this act, for or upon consideration in whole or in part, that such other officer or person has theretofore appointed or voted for the appointment or for the confirmation of the appointment or will thereafter appoint or vote for the appointment, or for the confirmation of the appointment to any such office, position, clerkship, employment or duty of any person related within such prohibited degree of affinity or consanguinity, as the case may be, to such officer or other person making such appointment; prohibiting the approval of any account or the drawing of any warrant or order for or payment of any salary, fee, wages or compensation of such ineligible person; prescribing penalties for violation of this act and procedure for the enforcement of such penalties, prescribing venue in such cases; requiring district and county attorneys to assist the Attorney General, whenever he shall so direct, in quo warranto proceedings under this act; repealing all laws and parts of laws in conflict with any of the provisions of this act, and declaring an emergency."

Senator Meachum moved that the bill be laid on the table subject to call, and

Senator Harper moved to table that motion.

The motion to table was adopted, by the following vote:

Yeas—15.

Brachfield.	Paulus.
Bryan.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Weinert.
Mayfield.	

Nays—10.

Adams.	Murray.
Alexander.	Peeler.
Cofer.	Perkins.
Masterson.	Real.
Meachum.	Watson.

Absent.

Kellie.	Thomas.
Stokes.	Willacy.
Terrell of McLennan.	

Absent—Excused.

Hume.

Senator Murray offered the following amendment:

Amend the bill by striking out all of lines 26 and 27, on page 2, after the word "voting," in line 26, down to and including the word "member," in line 27; also strike out the following words, "or vote for the appointment or for confirmation of appointment" on page 3, lines 14 and 15.

Senator Harper moved to table the amendment.

The motion to table prevailed, by the following vote:

Yeas—17.

Alexander.	Perkins.
Brachfield.	Senter.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Thomas.
Holsey.	Veale.
Mayfield.	Ward.
Peeler.	

Nays—9.

Adams.	Paulus.
Hudspeth.	Real.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Hayter.	Stokes.
Masterson.	Willacy.

Absent—Excused.

Hume.

Senator Meachum offered the following amendment:

Amend the bill by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. Hereafter it shall be unlawful for any executive, legislative, ministerial or judicial officer of this State to appoint or vote for the appointment of any person related to him by

affinity or consanguinity within the third degree to any clerkship, office, position, employment or duty in any department of the State, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary wages, pay or compensation of such appointee is to be paid out of public funds or fees of office; provided, it shall be unlawful under the provisions of this act for any district judge to appoint as official stenographer of his district any person related within the third degree to the judge or district attorney of such district.

Sec. 2. It shall hereafter be unlawful for any such executive, legislative, ministerial or judicial officer mentioned in Section 1 of this act to draw or authorize the drawing of any warrant or authority for the payment out of any public fund of the salary, wages, pay or compensation of any such ineligible person, knowing him to be ineligible; and it shall be unlawful for any such executive, legislative, ministerial or judicial officer to pay out of any public funds in his custody or under his control the salary, wages, pay or compensation of any such ineligible person, knowing him to be ineligible.

Sec. 3. Any executive, legislative, ministerial or judicial officer who shall violate any provision of this act shall be deemed guilty of a misdemeanor involving official misconduct and shall be punished by a fine of not less than one hundred nor more than one thousand dollars, and shall forfeit his office.

Sec. 4. Under the designation executive, legislative, ministerial or judicial officer, as mentioned herein, are included the Governor, Lieutenant Governor, Speaker of the House of Representatives, Railroad Commissioners, all the heads of the departments of the State government, judges of all the courts of this State, mayors, recorders and aldermen of all incorporated cities and towns, public school trustees, officers and boards of managers of the State University and its several branches, State normals, the penitentiaries and eleemosynary institutions, members of the commissioners court and all other officials of the State, district, county, cities or other municipal subdivisions of the State.

Sec. 5. Every person guilty of violating the provisions of this act shall independently of or in addition to any criminal prosecution that may be instituted, be removed from office according to the mode of trial and removal prescribed in the Constitution of this State and by

quo warranto proceedings in all cases where the mode of trial and removal is not provided for in the Constitution.

Sec. 6. It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint and furnish employment for any person whose services are to be rendered under his direction and control and paid for out of public funds, and who is related by either blood or marriage within the third degree to any other executive, legislative, ministerial or judicial officer when such appointment is made in part consideration that such other officer shall appoint and furnish employment to any one so related to the officer making such appointment. Any such officer who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction be punished as provided in Section 3 of this act.

Sec. 6a. Nothing in this act shall apply to any appointment to the office of notary public or to confirmation thereof, or to the appointment or confirmation of any person to any such office, position, clerkship, employment which he may then have held or to any duty which he may then have performed for five years next preceding the date of such appointment.

Sec. 7. Quo warranto proceedings instituted under this act to oust any person from any State, as contradistinguished from any other office, shall be brought in the district court of Travis county, Texas, and all other such proceedings shall be instituted in the district court of the county where defendant resides.

Sec. 8. The absence of any law of this State prohibiting nepotism creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so done, and that this act take effect and be in force from and after its passage, and the same is so enacted.

Senator Harper moved to table the amendment, which motion prevailed, by the following vote:

Yeas—17.

Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Mayfield.	Ward.
Peeler.	

## Nays—11.

Adams.	Paulus.
Alexander.	Perkins.
Hudspeth.	Real.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Masterson.	Willacy.
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Absent—Excused.

Hume.

Senator Alexander offered the following amendment:

Amend the bill by adding Section 7a, to read as follows:

"Sec. 7a. Nothing in this act shall be held or deemed to permit any district judge within this State to appoint as official stenographer of his district any person related within the third degree to the judge or district attorney of such district, but any such appointment is hereby declared unlawful under the provisions of this act, and subject to the penalties herein provided in Section 6 of this act."

MEACHUM,  
ALEXANDER,  
BRACHFIELD.

The amendment was read and adopted. Bill read second time, and ordered engrossed.

Senator Harper moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—19.

Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Mayfield.	Weinert.
Peeler.	

Nays—9.

Adams.	Paulus.
Alexander.	Perkins.
Kellie.	Real.
Meachum.	Watson.
Murray.	

Absent.

Masterson.	Willacy.
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Absent—Excused.

Hume.

## SIMPLE RESOLUTION.

By Senators Watson and Cofer:

Resolved, That Ben S. Rogers, Door-keeper, be excused not exceeding three days from attendance upon his duties in order that he may attend the Grand Lodge of Independent Order of Odd Fellows, now in session at Galveston.

The resolution was read and adopted.

## SENATE BILL NO. 56.

On motion of Senator Murray, the special order of business (Senate bill No. 218) was suspended, and the Senate took up, out of its order, Senate bill No. 56, by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Masterson.	Willacy.
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Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 56, A bill to be entitled "An Act to repeal Chapter 5 of the Acts of the Special Session of the Thirtieth Legislature, creating independent school district for Nixon, Wilson and Gonzales counties, Texas."

The committee report providing that the bill be not printed, was adopted.

Senator Murray offered the following amendment, which was read and adopted: Amend by adding Section 2, as follows:

"Sec. 2. The fact that under the decision of the court relative to county line independent school districts, leaves the Nixon school district inoperative, and also leaves the people interested un-

certain in securing and maintaining schools creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted."

Bill read second time, and ordered engrossed.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Kellie.	Veale.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Masterson. Ward.  
Terrell of McLennan. Willacy.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Masterson. Veale.

Terrell of McLennan. Willacy.

Absent—Excused.

Hume.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Davidson in the chair.)

### SENATE BILL NO. 178.

On motion of Senator Mayfield, the special order of business (Senate bills Nos. 123 and 218) was suspended, and the Senate took up out of its order, Senate bill No. 178, by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Ward.
Kellie.	Weinert.
Mayfield.	Willacy.
Murray.	

Nays—3.

Meachum. Watson.  
Senter.

Absent.

Masterson. Veale.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 178, A bill to be entitled "An Act to promote the safety of employes and travelers upon railroads in this State by limiting the hours of service of conductors, engineers, firemen and brakemen; by making it unlawful for any railroad company or the receiver of any railroad company or any officer or agent of such railroad company or receiver to require or permit any conductor, engineer, fireman or brakeman to be or remain on duty for a longer period than sixteen consecutive hours; by providing for the relief of any conductor, engineer, fireman or brakeman after having been continuously on duty for sixteen hours and preventing his being required or permitted again to go on duty until he has had at least ten consecutive hours off duty, and preventing his being required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty after he has been on duty sixteen hours in the aggregate in any



twenty-four-hour period; by imposing a penalty for each violation by any railroad company or receiver of any railroad or any of the officers or agents of such company or receiver for each and every violation of this act; and by prescribing the venue of suits to recover penalties for violation of this act and the officers by whom the suits shall be brought, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Masterson. Ward.

Absent—Excused.

Hume.

(Senator Meachum in the chair.)

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Masterson. Willacy.

Absent—Excused.

Hume.

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### SIMPLE RESOLUTION.

By Senator Hudspeth:

Resolved by the Senate, That Tuesday and Wednesday nights of each week be set aside for the consideration of local bills only.

HUDSPETH,  
WATSON,  
VEALE,  
TERRELL of Bowie.

The resolution was read and adopted.

(Lieutenant Governor Davidson in the chair.)

### SENATE BILL NO. 263.

On motion of Senator Ward, the special order of business (Senate bills Nos. 123 and 218) was suspended, and the Senate took up, out of its order, Senate bill No. 263, by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Masterson. Willacy.

Real.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 263, A bill to be entitled "An Act creating an independent school district for free school purposes only, in the county of Johnson, and to be known as the Burleson Independent School District, and to have all the rights, powers and duties of an independent school district formed for free school purposes only, and declaring an emergency."

The committee report, with amend-

ments and that the bill be not printed, was adopted.

Senator Ward offered the following amendment, which was read and adopted:

Amend Senate bill No. 263 by striking out the word "March," in line 5 of Section 3, and insert the word "May," and also by striking out the word "March," in line 6, Section 3, and insert the word "May."

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Murray. Willacy.

Real.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Weinert.

Absent.

Real. Watson.  
Terrell of Bowie. Willacy.

Absent—Excused.

Hume.

Senator Ward moved to reconsider the

vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 198.

On motion of Senator Veale, the special order of business (Senate bills Nos. 123, 218 and 176) was suspended, and the Senate took up, out of its order, Senate bill No. 198, by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Masterson. Willacy.  
Perkins.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 198, A bill to be entitled "An Act to authorize the Wichita Falls Railway to own and operate as its own the Wichita Falls & Northwestern Railway Company and the Wichita Falls & Southern Railway Company."

Here Senator Senter offered the following letter, with reference to this bill, and asked that it be read and printed in the Journal:

The Chair stated that it would take unanimous consent.

There being no objection, the Chair directed the reading of the letter, as follows:

February 24, 1909.

Senator E. G. Senter, Austin, Texas.

Dear Sir: In compliance with your request to Mr. Kell and my statement to you, I herewith hand you a copy of the letter which Messrs. Kemp and Kell are writing the chairman of your committee, C. L. Brachfield.

I hand you a copy so that you may know that we have complied with your request and our agreement to you.

Very truly,

CHARLES C. HUFF.

Wichita Falls, Texas, Feb. 24, 1909.

Senator C. L. Brachfield, Chairman,  
Austin, Texas.

Dear Sir: In accordance with the request of Senator E. G. Senter, we herewith hand you a list of the stockholders of the Wichita Falls Railway Company, the Wichita Falls & Southern Railway Company and the Wichita Falls & Northwestern Railway Company of Texas.

The stockholders of the Wichita Falls Railway Company and their postoffice addresses being as follows:

J. A. Kemp, Wichita Falls, Texas, 65 $\frac{2}{3}$  shares; Frank Kell, Wichita Falls, Texas, 65 $\frac{2}{3}$  shares; I. H. Kempner, Galveston, Texas, 63 $\frac{2}{3}$  shares; M. Lasker, Galveston, Texas, 1 share; Wiley Blair, Wichita Falls, Texas, 1 share; O. T. Bacon, Wichita Falls, Texas, 1 share; R. E. Huff, Wichita Falls, Texas, 1 share; C. C. Huff, Wichita Falls, Texas, 1 share. Total, 200 shares.

The stockholders of the Wichita Falls & Southern Railway Company and their postoffice addresses being as follows:

J. A. Kemp, Wichita Falls, Texas, 175 shares; Frank Kell, Wichita Falls, Texas, 175 shares; I. H. Kempner, Galveston, Texas, 175 shares; Wiley Blair, Wichita Falls, Texas, 1 share; D. W. Kempner, Galveston, Texas, 1 share; J. C. Doneghly, Wichita Falls, Texas, 1 share; N. Henderson, Wichita Falls, Texas, 1 share; R. E. Huff, Wichita Falls, Texas, 1 share; C. C. Huff, Wichita Falls, Texas, 1 share. Total, 530 shares.

We beg to state that 530 shares of this corporation represents the capital stock paid up and authorized by the Railroad Commission of the State of Texas.

The stockholders of the Wichita Falls & Northwestern Railway Company of Texas and their postoffice addresses being as follows:

J. A. Kemp, Wichita Falls, Texas, 65 shares; Frank Kell, Wichita Falls, Texas, 64 shares; I. H. Kempner, Galveston, Texas, 64 shares; R. E. Huff, Wichita Falls, Texas, 1 share; Wiley Blair, Wichita Falls, Texas, 1 share; J. T. Montgomery, Wichita Falls, Texas, 1 share; C. W. Bean, Wichita Falls, Texas, 1 share; W. M. McGregor, Wichita Falls, Texas, 1 share; O. T. Bacon, Wichita Falls, Texas, 1 share; C. C. Huff, Wichita Falls, Texas, 1 share. Total, 200 shares.

We beg to state that all of the stock of the three corporations was issued under authority and direction of the Railroad Commission of the State of Texas, and that each and all of the stockhold-

ers are resident citizens of the State of Texas. We would further state that none of the stock of any of the corporations is owned by any other railroad, either in or out of the State of Texas, and that the Wichita Falls & Southern Railway Company and the Wichita Falls & Northwestern Railway Company of Texas are operated by the owners of said railway companies independent of any other line or lines of railway.

We would further state that we have no contract of sale for the stock of any of said railway companies, or no contemplated sale in view, and it is the intention and purpose of the present owners of said railway companies to operate the Wichita Falls & Northwestern Railway Company of Texas and the Wichita Falls & Southern Railway Company as same have heretofore and are now being operated.

We send you this statement to be filed with your committee.

Very truly,  
FRANK KELL,  
J. A. KEMP.

Bill read second time, and ordered engrossed.

On motion of Senator Veale, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Masterson. Willacy.  
Terrell of McLennan.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Mayfield.	Veale.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Nays—1.

Stokes.

Absent.

Masterson.

Willacy.

Absent—Excused.

Hume.

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 176.

On motion of Senator Perkins, the special order of business (Senate bill No. 218) was suspended, and the Senate took up, out of its order, Senate bill No. 176, by the following vote:

Yeas—17.

Adams.	Murray.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Ward.
Mayfield.	Watson.
Meachum.	

Nays—7.

Brachfield.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Holsey.	Thomas.
Sturgeon.	

Absent.

Kellie.	Veale.
Masterson.	Weinert.
Paulus.	Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 176, A bill to be entitled "An Act to fix and declare the right of contract in certain cases and to regulate the making of contracts between publishers of newspapers, periodicals

and railroad interurban and other transportation companies."

#### RECESS.

Senator Hudspeth moved that the Senate recess until 3 o'clock today, and Senator Terrell of McLennan moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Action being on the motion to recess first, the same was adopted, by the following vote:

Yeas—15.

Adams.	Murray.
Alexander.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Veale.
Hudspeth.	Ward.
Mayfield.	Weinert.
Meachum.	

Nays—11.

Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of McLennan.
Harper.	Thomas.
Peeler.	Watson.
Stokes.	

Absent.

Kellie.	Paulus.
Masterson.	Willacy.

Absent—Excused.

Hume.

#### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

#### SENATE BILL NO. 176.

Action recurred on Senate bill No. 176 as unfinished business (see morning proceedings for caption of).

There being a favorable majority committee report and an adverse minority committee report on the bill,

Senator Perkins moved the adoption of the majority committee report, and

Senator Holsey moved, as a substitute, the adoption of the minority committee report.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

House bill No. 89, A bill to be entitled "An Act to prescribe additional conditions upon which life insurance corporations may transact business in this State, and to require that all such companies shall invest an amount equal to 75 per cent of the reserve required by law to be maintained by them on account of policies of insurance written upon the lives of citizens of Texas, in Texas securities and Texas property, and to define Texas securities and designate the property in which such investments may be made, and to permit such corporations or their stockholders to deposit with the State Treasurer the capital stock thereof, or the securities in which the same is invested, as well as other securities, and to advertise or print on policies issued the fact of such deposit; and to require each life insurance company doing business in this State to appoint the Commissioner of Insurance and Banking of this State and his successors in office, its agent and attorney in fact for the purpose of accepting or being served with citation in any suit to be brought against such company in any court of this State; and to provide for the collection of an occupation tax from life insurance companies doing business in this State in proportion to their gross premium receipts, and requiring the payment by companies not now transacting business in this State, under certificates of authority from the Commissioner of Insurance and Banking, which have formerly transacted business therein under such certificates, or which may hereafter discontinue transacting new business under such certificates, and which shall hereafter or thereafter obtain authority to transact business in this State, as a condition of their readmission of a sum equal to the occupation tax upon their premium receipts since their withdrawal, which would have been levied upon them by law if they had continued transacting business under such certificates in this State; and to repeal the act approved April 24, 1907, published and known as Chapter 170 of the General Laws of the Thirtieth Legislature of Texas, entitled 'An Act to require all incorporated or mutual companies doing a life insurance business within the State of Texas to invest a part of the reserve set apart on account of and for the final payment of policies of insurance written on the lives of citizens of Texas in Texas securities and Texas property or in the

bonds of the United States or any State of the United States, and to define Texas securities and the property in which such investments may be made, and to require that a part of the securities in which such reserve is invested be kept on deposit in the vaults of the Treasurer of this State or in national or State banks or trust companies in Texas designated as depositories for the security of policyholders, and declaring an emergency,' and to repeal all other laws or parts of laws in conflict with this act; and to authorize the withdrawal of securities deposited by insurance companies under the provisions of said act approved April 24, 1907, and hereby repealed; but reserving to the State the right to collect the taxes on gross receipts and penalties provided for in Section 8 of the act approved May 16, 1907, and published and known as Chapter 18 of the Acts of the First Called Session of the Thirtieth Legislature of Texas; providing for the levy of occupation taxes, and providing penalties for violation of certain provisions of this act, and for the collection of such penalties."

House bill No. 514, A bill to be entitled "An Act to amend Senate bill No. 35, an act of the Thirty-first Legislature, and approved by the Governor on the 20th day of February, A. D. 1909, to read as follows: To exempt the counties of Val Verde, Medina, Terrell, Jeff Davis, Jackson, Hidalgo, Bandera, Van Zandt, Mitchell, Ward, Rains, Erath, Crosby, Kaufman and Bexar from the provisions and operations of Articles 5002 to 5042, inclusive, of Chapter 6, Title 102 of the Revised Civil Statutes of 1895, amended by the Acts of the Twenty-eighth and Twenty-ninth Legislatures, relating to the inspection of hides and animals, and repealing all laws in conflict therewith, and declaring an emergency."

Also House Concurrent Resolution No. 9, Requesting the Governor to return House bill No. 152 to the House for correction.

Also requests the Senate to return House bill No. 25 to the House, as same was sent to the Senate through error.

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

#### HOUSE CONCURRENT RESOLUTION NO. 9.

Senator Watson here called up, as a privilege matter, House Concurrent Resolution No. 9.

The Chair laid before the Senate House Concurrent Resolution No. 3, Requesting the Governor to return House bill No. 152 for correction.

The resolution was read and adopted.

Senator Watson moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

#### PRIVILEGE MOTION.

Senator Mayfield here called up the simple resolution from the House requesting the return of House bill No. 25 (see above House message for the request).

Senator Mayfield moved that the Senate grant the request of the House for the return of the bill.

The motion prevailed.

#### EXECUTIVE SESSION—TIME SET FOR.

Senator Alexander here moved that the Senate go into executive session tomorrow at 12:30 p. m., for the purpose of considering appointment by the Governor sent to the Senate on Friday last.

The motion prevailed.

#### SENATE BILL NO. 176.

Action recurred on Senate bill No. 176, the question being on the substitute motion of Senator Holsey to adopt the minority committee report.

Pending the discussion on the motion, Senator Meachum moved the previous question on the pending question, which motion being duly seconded, was so ordered.

The substitute motion was lost, by the following vote:

Yeas—10.

Brachfield.	Paulus.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Masterson.	Thomas.

Nays—20.

Adams.	Hudspeth.
Alexander.	Kellie.
Bryan.	Mayfield.
Cofer.	Meachum.
Hayter.	Murray.

Peeler.  
Perkins.  
Real.  
Senter.  
Stokes.

Veale.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent—Excused.

Hume.

The majority committee report, with an amendment, was adopted.

The bill was read second time, and Senator Mayfield offered the following amendment:

Amend the bill, page 1, line 22, by adding after the word "same" the following:

"Provided, that all mileage issued by any railway, interurban, electric street company or railroad company in exchange for advertising shall be figured at the same rate in value as if same were issued for cash under the laws of this State, and it shall be unlawful for any said railway, interurban, electric street company or railroad to issue to any person, firm or corporation owning or publishing any newspaper or other publication any mileage in excess of the value of said advertisements, figured at the usual cash prices charged the public by said owners or publishers of such newspaper or other publication for the same amount of space when same is paid for in cash."

Senator Veale offered the following amendment to the amendment:

Amend by striking out all after the word "provided," down to and including the word "and," and insert the word "reasonable" before the word "value," in line 4 from the bottom.

The amendment to the amendment was adopted, by the following vote:

Yeas—19.

Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Masterson.	Weinert.
Mayfield.	

Nays—9.

Adams.	Real.
Hudspeth.	Senter.
Kellie.	Stokes.
Peeler.	Watson.
Perkins.	

Absent.

Thomas.	Willacy.
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Absent—Excused.

Hume.

The amendment, as amended, was then adopted, by the following vote:

Yeas—15.

Brachfield.	Murray.
Cofer.	Paulus.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Masterson.	Ward.
Mayfield.	

Nays—13.

Adams.	Perkins.
Alexander.	Real.
Bryan.	Senter.
Hudspeth.	Stokes.
Kellie.	Watson.
Meachum.	Weinert.
Peeler.	

Absent.

Thomas. Willacy.

Absent—Excused.

Hume.

Senator Brachfield offered the following amendment, which was read and adopted:

Amend by adding after the word "newspaper," in line 13, page 1, the following: "Where editor, publisher or employe are not holding any official position in this State."

Senator Meachum offered the following amendment:

Amend the bill, line 18, by adding after the word "act" the following:

"Provided, that any railroad, interurban or electric railroad company transacting business in this State shall not be permitted to discriminate against volunteer firemen in attending their annual conventions, nor against ex-Confederate soldiers in attending their annual reunions, and in case any agreement for transportation shall be made with any such newspaper, periodical or other publication within this State, then any such railroad, interurban or electric railway company herein mentioned shall also have authority to make agreements whereby they may permit such volunteer firemen in attending their annual conventions and ex-Confederate soldiers in attending their annual reunions to travel to and from such conventions

over their lines of railway without cost or at reduced rate."

MEACHUM.  
ALEXANDER,  
HARPER,  
PEELER,  
ADAMS.

The amendment was read, and adopted, by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Nays—2.

Holsey. Sturgeon.

Absent.

Greer. Willacy.

Thomas.

Absent—Excused.

Hume.

Senator Holsey offered the following amendment:

Amend the bill on page 1 by adding the following section:

"Section 1a. Provided that any ex-Confederate soldier or any Confederate camp may contract with any railroad, interurban or electric railway company for services heretofore rendered or to be hereafter rendered by them for the protection of the State or any property of the railroad or interurban companies."

Pending.

Following are proposed amendments to the bill, printed in the Journal by order of the Senate:

Amend the bill as amended by adding Section 1a, to read as follows:

"Section 1a. The provisions of this act as it applies to volunteer firemen and ex-Confederate soldiers, shall in like manner apply to managers and nurses of orphan homes, charitable institutions and hospitals who devote their whole time to the work of such homes, institutions and hospitals, and to persons exclusively and regularly engaged in securing homes for orphan children, each of which persons above mentioned and such railroads, interurban or electric railway companies shall have the right and au-

thority to make such contracts and agreements as will permit the persons above named to travel over such lines of railway at reduced rates or without cost."

ALEXANDER.

Add to end of Section 1: "Provided, transportation shall be given to the Live Stock Sanitary Board and its employes not to exceed thirteen in number, when a specific contract is made with said road or roads by said Live Stock Sanitary Board to inspect all shipments of live stock that are required to be inspected before same can be shipped over said roads."

BRYAN,  
HUDSPETH,  
ALEXANDER.

Amend the bill by adding at the end of Section 1 the following: "Provided, that the inspectors of the Cattle Raisers' Association of Texas, whose services materially aid the railroads in prompt inspection, loading and shipping stock, may contract with the railroads for transportation over the railroads in consideration of the services rendered and to be rendered said railroads by said inspectors, and amend the caption to correspond by inserting after the word "issued," line 10, page 1, the following words: "And inspectors of Cattle Raisers' Association of Texas."

HARPER,  
HUDSPETH,  
ALEXANDER,  
VEALE,  
MASTERSON.

Amend the bill by adding to Section 2 the following: "A copy of said agreement shall also be on file with the Railroad Commission of this State, and the Commission is hereby instructed to make a report of all transportation issued to the various newspapers of the State by virtue of this act."

TERRELL of McLennan.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 246 by the following vote: Yeas, 98; nays, 0.

Also in Senate amendments to House bill No. 10.

Respectfully,  
BOB BARKER,  
Chief Clerk, House of Representatives.

## BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 49, "An Act to require common carriers engaged in moving commerce in the State of Texas to use locomotives which are equipped with ash pans that can be dumped or emptied and cleaned without the necessity of any employe going under such locomotive, and providing penalties for violations of the provisions of such act."

Senate bill No. 187, "An Act to ratify, approve and confirm a certain contract of lease between county of Galveston of the first part, Gulf, Colorado & Santa Fe Railroad Company; Galveston, Houston & Henderson Railroad Company; Galveston, Harrisburg & San Antonio Railroad Company of the second part, and Galveston-Houston Electric Railway Company of the third part, relating to the causeway and a certain memoranda of agreement executed by Galveston county, Gulf, Colorado & Santa Fe Railroad Company; Galveston, Houston & Henderson Railroad Company and the Galveston, Harrisburg and San Antonio Railroad Company, construing Articles 17 and 21 of said contract of lease, and to amend Section 8, of an act approved March 16, 1907, entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island, across Galveston Bay, to connect as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establish three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause.'"



## ADJOURNMENT.

On motion of Senator Weinert, at 6:25 o'clock, the Senate adjourned until 12:30 o'clock tomorrow.

## APPENDIX.

## COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 231, A bill to be entitled "An Act creating the Sunflower Independent School District of Grayson county and creating a board of trustees therefor; authorizing said board to levy and collect taxes and issue bonds for the purpose of purchasing sites for school buildings and erecting and equipping school buildings thereon; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Veale, Weinert, Harper, Bryan, Sturgeon.

(Floor Report.)

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 304, A bill to be entitled "An Act to create a road commission for Jones county, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Murray, Sturgeon, Veale, Paulus, Terrell of McLennan, Peeler, Senter.

(Floor Report.)

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 411, A bill to be entitled "An Act to amend Section 11, Chapter 76 of special road law for Erath county of the Acts of the Twenty-seventh Legislature, fixing the compensation of road commissioners, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Paulus, Sturgeon, Veale, Perkins, Terrell of McLennan, Mayfield.

(Floor Report.)

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 319, A bill to be entitled "An Act to create a more efficient road system for Titus county, Texas; providing that the commissioners court may levy and collect a special road tax, and for the working on the public roads of said county of those subject to and failing to pay said tax; requiring the commissioners court of said county to appoint a county superintendent, defining his duties and providing for his compensation; providing for the working of county convicts upon the public roads, and for the commutation of sentence for faithful service; providing for the care and maintenance of such convicts, and providing for officers' fees; authorizing the employment of twelve assistants to the county superintendent; providing for their compensation and duties, authorizing the superintendent to hire wagons, tools and teams and providing compensation therefor; providing that delinquent poll taxpayers shall be subject to three days' road duty in addition to any other road service to which they may be subject; providing that they may be relieved of such road duty upon the payment of \$3 to the road superintendent, requiring the superintendent to make quarterly reports, and requiring penalties for failure to make such reports; declaring what are public roads, and providing the classification thereof: providing for the building of public bridges by contract, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Paulus, Sturgeon, Veale, Perkins, Terrell of McLennan, Mayfield.

(Floor Report.)

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 412, A bill to be entitled "An Act to amend Section 6 of an act passed by the Twenty-seventh Legislature, as amended by the Twenty-eighth Legislature, as amended by the Thirtieth Legislature, creating a special road system for Coryell county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Paulus, Sturgeon, Veale, Perkins, Terrell of McLennan, Mayfield.

(Floor Report.)

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 370, A bill to be entitled "An Act to amend Chapter 54 of the local and special laws of the State of Texas, enacted at the Regular Session of the Thirtieth Legislature, being an act entitled 'An Act to amend Section 9, Chapter 72, special road law for Karnes county, as enacted by the Twenty-seventh Legislature,' approved April 4, 1901, so as to provide that each county commissioner, when acting as road commissioner, and performing the duties imposed upon him by law or by the commissioners courts, shall receive three dollars (\$3.00) a day for services actually performed, not to exceed seventy-five dollars (\$75.00) a quarter, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Murray, Peeler, Paulus, Mayfield, Senter, Terrell of McLennan.

(Floor Report.)

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 414, A bill to be entitled "An Act to amend Sections 1, 2, 3 and 4, Chapter 55 of an act passed by the Twenty-eighth Legislature at its Regular Session in 1903, and entitled 'An Act to create a special road law for Delta county, and providing for levying and collecting a road tax; and authorizing the commissioners court of said county to employ road superintendents and laborers on the public roads thereof; also to work convicts in opening, laying out and repairing said roads; giving the commissioners court the power to establish, change, improve or discontinue public roads, and to purchase and use all necessary teams and implements for that purpose, and giving to said court the power to condemn land for establishing, widening, draining and otherwise improving the public roads, and to cause obstructions to be removed therefrom; making each commissioner of said county a road superintendent in his precinct, and prescribing his duties; fixing the compensation for county commissioners for road service, and providing for the general supervision by the commissioners court of all public roads in said county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Paulus, Sturgeon, Veale, Perkins, Terrell of McLennan, Mayfield.

(Floor Report.)

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

House bill No. 12, A bill to be entitled "An Act to create the county court of Bexar county for civil cases, and to conform to such change the jurisdiction of the county court of Bexar county,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Perkins, Ward, Paulus, Harper, Peeler, Sturgeon, Terrell of Bowie.

(Floor Report.)

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 261, A bill to be entitled "An Act to amend Section 2, Article 1 of the Special Laws of Texas, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to grant a new charter to the city of Austin, Travis county, Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,'"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Peeler, Terrell of McLennan, Real, Alexander, Holsey, Sturgeon, Cofer.

Committee Room,

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 173, A bill to be entitled "An Act to amend Chapter 175 of the General Laws of Texas passed by the Thirtieth Legislature, prescribing compensation of district attorneys, amending said law so that Article 1081a of the Code of Criminal Procedure shall hereafter read as follows, and declaring an emergency,"

And find the same correctly engrossed.  
WARD, Chairman.

Committee Room,

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 159, A bill to be entitled "An Act to provide for the appointment of three members of the Senate by the Lieutenant Governor of the State and four members of the House by the Speaker thereof, who shall constitute a committee on investigation to visit the penitentiaries located at Huntsville and Rusk, respectively, and such other places as convicts of the State may be detained, if in their judgment necessary, to the end that a thorough investiga-

tion of the penitentiaries' systems may be made," etc.,

And find the same correctly engrossed.  
WARD, Chairman.

Committee Room,

Austin, Texas, March 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 203, A bill to be entitled "An Act to amend Articles 1145 and 1146 of Title 17 of the Code of Criminal Procedure of the State of Texas as adopted in the Revised Statutes of 1895, relating to the house of correction and reformatory; providing that in certain cases persons under sixteen years of age convicted of a felony shall be confined in the State Institute for the Training of Juveniles; providing that this amendment shall not effect, modify or vitiate any judgment heretofore rendered, confining any person to the house of correction or reformatory; repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
WARD, Chairman.

#### PETITIONS AND MEMORIALS.

By Senator Terrell of Bowie:

Whereas, There is now pending before the Legislature of this State a bill requiring the judges of the Courts of Civil Appeals to work eleven instead of nine months each year, reducing their vacation to the one month of August; and

Whereas, we believe that said judges are now underpaid, that they are required to pass upon and write opinions in too many cases each year; that under present conditions greater efficiency can be attained by said judges and the ends of justice more nearly conserved, and that this bill and similar legislation should be condemned as not recognizing the superior ability that has adorned our appellate courts and as inimical to the best interests of the State; therefore, be it

Resolved, That the Texarkana Bar Association in called meeting assembled disapprove said bill, and respectfully request our Senator, Hon. J. M. Terrell, to vote against it in the Senate, and our Representative, Hon. N. L. Dalby, to vote for its reconsideration and defeat in the House; and be it further

Resolved, That a copy of these resolu-

tions, duly signed by the president and attested by the secretary of this association, be forwarded to our said Senator and Representative.

SAM H. LOUNDES,  
President.  
JOHN H. SHEPPARD,  
Secretary.

By Senator Adams:

Duffau, Texas, February 27, 1909.

Hon. W. W. Adams, Austin, Texas.

Dear Sir: We, the following representative citizens of Duffau, Erath county, Texas, do earnestly and sincerely request you as our Senator from this Senatorial District, to vote for the anti-gambling bill that has already passed the House of Representatives, and we further petition that you use your every influence to secure the passage of this bill.

Numerously signed.

Also a like petition from citizens of Hico.

By Senator Murray:

We, the undersigned, do hereby respectfully petition you to vote for, and to use your influence on behalf of, a bill which will be presented at this session of the Legislature, asking it to submit to a vote of the people at the next regular election the question of a constitutional amendment, allowing any person holding a just and legal claim against another to garnishee as much as 10 to 25 per cent of any wages or salary that may be due to such debtor by another, to be applied to the payment of such claim. This is not intended to work a hardship on any one indebted, but it is hoped that such a law will have a tendency to educate those contracting debts in Texas to more economic habits and to have a greater regard for truth, honor and fidelity to their fellowman.

Under our present laws, the very nature and construction of which show an unmistakable tendency to shield the "deadbeat" and to encourage him in defeating the collection of an honest debt, one may lend to another his time, knowledge and merchandise, means with which to shelter, clothe and provide for his family, and yet he has no power or right in any court of Texas by which he can collect for such service where the person accommodated refuses to pay. We submit that this is unjust, and works a hardship upon the honest and worthy citizen, as well as upon the merchant, and in asking for

the submission of this question we are but seeking a law that will reward honesty rather than one that encourages rascality and subjects the State to adverse criticism by honest men everywhere.

Numerously signed.

### THIRTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, March 2, 1909.

The hour to which the Senate adjourned having arrived, and in the absence of both the Lieutenant Governor, President of the Senate, and the President Pro Tem. of the Senate, the Senate was called to order by Clyde D. Smith, Secretary.

The roll was called, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Masterson.	Thomas.
Terrell of Bowie.	Willacy.

Absent—Excused.

Hume.

The Chair announced that the election of a President Pro Tem. ad interim was the next order of business.

Whereupon Senator Meachum placed in nomination for that place, Senator Brachfield.

There being no other nominations, the Chair declared nominations closed.

Senators Meachum, Veale and Perkins were appointed tellers.

Senator Brachfield received 23 votes, and was declared elected.

The Chair appointed Senators Meachum and Veale to escort the Senator to the President's stand, whereupon the gavel was surrendered to him, and he proceeded to the business of the Senate.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of